

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

LIN E. DAVIS,

Plaintiff,

VS.

LT. WILLIAMS, *et al.*,

Defendants.

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**7: 17-CV-73 (HL)**

**ORDER**

Presently before the Court are Plaintiff's Motions to Strike (Docs. 77, 81, 146) and Motion to Suppress (Doc. 105).

***Motions to Strike (Docs. 77, 81, 146)***

On September 10 and 17 of 2018, Plaintiff filed motions in which he asks the Court to strike Defendant Barrow's<sup>1</sup> Answer because it was untimely. (Docs. 77, 81). On August 13, 2018, personal service was executed as to Defendant Barrow. (Doc. 64). Under Federal Rule of Civil Procedure 12(a), Defendant Barrow was required to serve her answer within 21 days after being served. FED. R. CIV. P. 12(a)(1)(A)(i). Defendant Barrow filed her answer on September 4, 2018. (Doc. 75). September 3, 2018 was a federal holiday. Thus, the answer was timely. Accordingly, Plaintiff's Motions to Strike Defendant Barrow's Answer as untimely (Docs. 77, 81) are **DENIED**.

On January 7, 2019, Plaintiff filed a motion in which he asks the Court to strike Defendant Barrow's summary judgment motion. (Doc. 146). Plaintiff asserts that Defendant Barrow's

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<sup>1</sup> The Defendant named Nurse Robin in Plaintiff's Complaint was later identified and referred to as Defendant Barrow. (See Doc. 75).

summary judgment motion should be stricken because Defendants Williams and Powell's Motion for Summary Judgment was filed on Defendant Barrow's behalf. *Id.* However, Defendants Williams and Powell's Motion for Summary Judgment was not filed on Defendant Barrow's behalf. (*See* Doc. 107). As a result, Plaintiff's Motion to Strike Defendant Barrow's Motion for Summary Judgment (Doc. 146) has no legal basis and is **DENIED**.

***Motion to Suppress (Doc. 105)***

On November 13, 2018, Plaintiff filed a Motion to Suppress All Evidence. (Doc. 105). Plaintiff asserts that the evidence should be suppressed because it has been obtained out of the scope of the Federal Rules of Civil Procedure. *Id.* Specifically, by harassing Plaintiff's family and friends. *Id.* "By its terms, a motion to suppress is limited to criminal cases. Because this is a civil case, plaintiff's motion does not apply." *Wimberly v. Williamson*, 2006 WL 2460709, at \*2 (M.D. Ga. Aug. 23, 2006). Therefore, Plaintiff's Motion to Suppress (Doc. 105) is **DENIED**.

**SO ORDERED**, this 21<sup>st</sup> day of May, 2019.

s/ **THOMAS Q. LANGSTAFF**  
UNITED STATES MAGISTRATE JUDGE